



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

---

**MINUTES**  
**City Council Business Meeting**  
**Council Chambers, 38 Hawley Street, Binghamton, N.Y.**  
**Wednesday May 7, 2014**

**CALL TO ORDER**

Called to order by City Council President Pro Tem Webb at 6:31pm.

**PLEDGE OF ALLEGIANCE**

City Council President Pro Tem Webb led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Jerry Motsavage, Joseph Mihalko, Lea Webb, Chris Papastrat, Bill Berg

**Absent:** Teri Rennia, John Matzo

**Also in attendance:** Angela Holmes, City Clerk; Jeremy Pelletier, Deputy City Clerk; Allison Sosa, 2<sup>nd</sup> Assistant Corporation Counsel

**REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES**

Motion to approve from the Business Meeting held on Wednesday April 23, 2014, and from the Municipal and Public Affairs Committee meeting held on Wednesday April 23, 2014.

Moved by Motsavage, seconded by Berg.

**Voice vote, none opposed.**

Motion to approve the minutes from the Planning and Community Development Committee meeting held on Wednesday April 23, 2014.

Moved by Berg, seconded by Mihalko.

**Voice vote, none opposed.**

Motion to approve the minutes from the Planning and Community Development Committee meeting held on Monday April 28, 2014.

Moved by Berg, seconded by Motsavage.

**Voice vote, none opposed.**

Councilman Berg noted for the record that the Planning and Community Development Committee will hold several meetings to review the proposed Comprehensive Plan, Form-Based Code and Housing Market Study. Several City Council Work Sessions and Business Meetings will start earlier than normal in order to accommodate these Committee Meetings. Unless otherwise noted, all such meetings will take place in the City Council Work Room, located through the City Clerk's Office on the first floor of City Hall. In addition to the regularly scheduled Work Sessions and Business Meetings, these meetings are as follows:

Monday May 12, 2014	5:00-9:00pm	Joint Session with City Council and interested agencies to review the Comprehensive Plan, Form-Based Code and Housing Market Study. (Broome County Public Library, 185 Court Street)
---------------------	-------------	--



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

---

Wednesday May 14, 2014	5:00pm	Joint Session with City Council and interested agencies to review the Comprehensive Plan, Form-Based Code and Housing Market Study. (Broome County Public Library, 185 Court Street)
Wednesday June 18, 2014	6:30pm	City Council Business Meeting and public hearing on Comprehensive Plan, Form-Based Code and Housing Market Study (City Council Chambers)
Wednesday July 9, 2014	6:30pm	City Council Business Meeting and anticipated vote on Comprehensive Plan, Form-Based Code and Housing Market Study (City Council Chambers)

For more information on the Comprehensive Plan, Form-Based Code and Housing Market Study, and for more information on the anticipated agendas for each Planning and Community Development Committee meeting, please visit [www.binghamton-ny.gov/blueprint-binghamton-forward-together](http://www.binghamton-ny.gov/blueprint-binghamton-forward-together).

Motion to approve the minutes from the Employees Committee meeting held on April 23, 2014.

Moved by Berg, seconded by Mihalko.

**Voice vote, none opposed.**

### **PUBLIC HEARING**

A public hearing regarding the proposed City of Binghamton Comprehensive Plan and Form-Based Code was held. As this hearing concerned the plan itself, and not legislation, Council deviated from the normal format of inviting those in favor to speak first, followed by those opposed. Councilwoman Webb opened the floor for all public comment.

### **POINT OF ORDER**

At this point in the meeting, several guests entered the City Council Chambers, stating that the door to the Chambers had been inadvertently locked. City Council President Pro Tem Webb had opened the floor for public comment, and City Clerk Holmes had begun reading a letter into the record. Council agreed to announce the public hearing for a second time, and open the floor to any of the guests before reading any written comments into the record.

### **PUBLIC HEARING**

A public hearing regarding the proposed City of Binghamton Comprehensive Plan and Form-Based Code was held. As this hearing concerned the plan itself, and not legislation, Council deviated from the normal format of inviting those in favor to speak first, followed by those opposed. Councilwoman Webb opened the floor for all public comment.

Speakers: John Solak, Richard Jallon, Sarah Campbell, Mark Bowers, Paul Graham, Peg Johnson, Thomas Costello, Brian Kradjian<sup>1</sup>

<sup>1</sup>Note: Brian Kradjian submitted the following email to the City Clerk's Office on May 1, 2014. A copy of the original email is attached to these minutes.

Dear City Council:

My name is Brian Kradjian and I am a local businessman who is greatly invested in this city and community. It is fair to say by "invested" I mean time, energy, emotion, and economically. I have experience in real estate development and healthcare laundry sectors. I have spent the last 20+ years renovating older building, demolishing obsolete buildings,



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

*Teri Rennia, City Council President*  
*Angela Holmes, City Clerk*

and developing new buildings and projects. I participated in a few of the Blueprint Binghamton sessions. I have reviewed the section of the newly proposed Master Plan specifically the Form Based Code for the Main & Court St. Corridor. The premise of a Master Plan suggests certain needs which I don't necessarily or completely agree with. The market dictates demand, is dynamic in nature, and always changing. Master plans tend to be fixed and static. Such plans can easily become misaligned with changing demands of the market. This, in my opinion and experience, is the risk in adopting such plans. It seems that one of the main premises of the proposed Form Based Code is to create a walkable community. This seems to suggest that in its present state Main St. is not walkable which I think is quite untrue. (The report notes that there are several pedestrians and cyclists observed). In fact, due to slow moving traffic, abundance of traffic lights and good sidewalks, Main St. is presently quite walkable in its existing state. Compare this to the Vestal Parkway, Upper Front St., Wegmans / Oakdale Mall Area and one can easily observe non-walkable areas. However, this is not to say it can not be improved upon. The question is how to do this and balance the markets needs while maintaining a sense of community and aesthetic appeal. Parking lots located in the front of buildings could be improved upon by painting in crosswalks, yield-to-pedestrian and stop signs like you see in Town Square Mall as opposed to banishing them. Parking is the lifeblood of a commercial development. Furthermore, there are only three vacant lots on Main St. in Binghamton. 220 Main St. (next to Autozone), the former McMahon Site, & 10 Main St. (corner of Main & Front). It seems like overkill to come up with such criteria for barely a handful of sites. Of course, in the future there could always be some infill redevelopment where a building is demolished and the site redeveloped. Although I think there are some good intentions of the Form Based Code in relation to the Main St. corridor, there are also many aspects which could have adverse impact on future development. I view the following items as positive steps:

1. Transition Zone along Main & Front St. to alleviate parking requirements for development in order to allow existing buildings to get reused. Moreover, this should be applied anywhere there is a need.
2. Adding Green Space along Main St.: Proposed Planting Area: This is a good idea if the trees do not block visibility of building but enhances its aesthetic appeal. However, if this is to be done in its present form by the Urban Shade Tree Commission then it should be reworked to make it a more transparent process with communication between the Commission and Developers early on in the planning phases. Such requests by the Commission should be reasonable and in proportionate to the project size and or what the project can bare. You can't ask a Landlord incur \$5,000 of green space on a \$50,000 renovation. Whereas you probably could absorb a \$5,000 on a \$500,000 project or \$10,000+ on a \$1,000,000 project and so on. Furthermore, existing buildings and parking lots should not have to incur changes just for merely renting out there vacant space that they pay taxes on.
3. Bike Lanes: This is a good idea if there is truly room for them. NYSDOT uses 42' width for safety on a two way street. I think motorists need a margin of error. I do not think there is enough room in actuality versus on what is engineered on paper. A good example is the traffic circle on Court St. It looked good on paper but can be difficult navigating in actuality.
4. Existing Development: This needs to be clarified. It appears as if existing buildings shall not fall under this code. Will a change of use to an entire building or portion of one be considered an "existing development" or a "new project?" The Planning Board under the previous Administration considered changes to existing structures as a "new project." If one were to merely rent out a vacant storefront, office or renovate it, it required Site Plan Approval which took 90+ days. This was never required prior to the previous Administration & was never the case in the City's history. This led to a lot of frustration from new business owners and developers in what amounted what was often perceived as a non-business friendly environment. (This 90 day Site Plan Review should be waived for compliance uses on existing properties. This alone could expediate the review process and backlog. Half the property owners don't follow the rules and for those of us who do costs us time and money.) If Form Based Code is applied de facto by way of an existing development being classified as a new development than this will present big problem for existing property owners and would be very unfair.



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

5. Building Height: Limits seem fine as presented but there should be no minimum requirements for how many stories a developer or Landlord wants to build. In other words, if the deal with the Tenant calls for one story a developer should not have to make it two stories to satisfy the code.

I view the following items as negative steps which will result in future adverse effects:

1. The idea to create more housing on Main St. We have a shrinking to neutral population at best not a growing one. We also are in the midst of a housing bubble in terms of apartments and student housing. While it is true there is growth at BU over the next 5 years, not all of the projects will necessarily make it. Having personal experience living on Main St. for several years, it is not the most desirable place to live. There is excessive street noise, lighting, carbon monoxide, litter, etc. which detract from the experience. Although there is a good array of services along Main St., affordability is the main factor for one choosing to reside there. New construction there will neither be affordable to existing Main St. residents nor can a developer get enough rent to justify the expense of new construction. Main St. is largely a commercial corridor with traffic counts up to 19,000 cars per day in some spots. It is difficult enough to maintain existing businesses there let alone attract new ones. If you add new residential development it may be at the cost of future commercial development in terms of setting up for potential conflicts. (short of mixed use with residential overhead which you identify). No one is ever going to build a new house on Main St. So when someone wants to open a drug store, fast food, car wash, retail, or other the very nature of a commercial development (traffic, ingress, egress, noise, light emission, hours of operation, etc.) will often be in conflict with the residential occupants along Main St. It is difficult enough for both planning and developers to mitigate these factors for the adjacent residential neighborhoods behind Main St.. From a City planning perspective, do you work with what you have and improve upon it (commercial uses) or do you try and prop up a small segment of it (housing) at the expense of the businesses? Adding housing on Main St. will create more planning board challenges & conflicts for future commercial development on Main Street. Furthermore, if you are considering adding Section 8 or DSS housing on Main St. that does not help a majority of the existing property owners who pay taxes and businesses that need customers with discretionary income to spend. Why not focus on redeveloping the blighted housing in the first ward and west side where the less desirable rental homes will probably be impacted by downtown's new residential developments? (By the way I think student growth downtown has been great for Binghamton.)
2. Building Placement
3. Build-to-Zone
4. Parking Location:
5. Transparency:
6. Blank Wall Area: Items 2-6 above will result in adverse impact on new development. The majority of Main St. lots are narrow and shallow. To do what they are proposing would shrink the building to where it may not be economically feasible for the project or require more land acquisition when developing thus making it less feasible. Furthermore, transparency requirements and Blank Wall Area requirements should not be applicable to all districts and should be less for commercial and light industrial uses / districts.
7. Bulk Plane: Again there is not enough space on most Main St. lots to achieve this.
8. Transition Buffer: This is certainly a good idea when abutting adjacent R-1, R-2, & R-3 areas but a wall in conjunction with plantings seems like overkill. I would think one or the other would be sufficient.
9. Awning minimum height of 10': This should be relative to the height of the glass it is over. Conversely, the height should not be less than 8' to prevent liabilities.
10. Awning Signs: No signage on awning faces. This would hurt retail and services. Visibility is important for any business owner.



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

11. No illumination of awnings: Again, how will a business awning sign during the evening hours be visible? What is wrong with light fixtures illuminating an awning? I think internally lighted vinyl awnings should not be allowed since they look cheap and plastic-like but Sunbrella Cloth is rich and warm in appearance.
12. Pole Signs: Should be allowed. "Visibility"
13. Primary Building Materials: The proposed ones are too narrow in scope and limiting. Materials such as architectural metal panels, exterior laminates, concrete block / split faced block, cement board (hardy plank), trex slats, green plant / shrub based walls and a variety of high tech materials are emerging in our nation's cities and should be allowed here for a rich architectural diversity.
14. Required Vehicle Loading: This is not realistic, especially for existing buildings which should be exempt from this.
15. Planting Buffer / Island / Median: I'm not sure if this exceeds present state codes in terms of water capture. Also, planting density of 1 per 20 sq.ft. is too severe. It would be fair to say every 5 linear feet but sq.ft. really increases density, planting costs, and maintenance costs. The maintenance costs of green space is often overlooked by the city and property owners.
16. Charette Report: I think it is unfortunate that Charettes were created on sites which were not in need as opposed to ones that were: Masonic Temple, McMahon Site, Main & Front St. intersections, etc. Instead, several of them on Main St. identified existing buildings and businesses.
17. Proposed Form Based Code along Main St. / Beethoven St. / Mendelsshon St., Laurel Ave., & Haendel St.: This block should all be zoned commercial and in the same district given its present Occupants a majority which are commercial and or non-owner occupied. Overall, I am somewhat disappointed in aspects of this report. From Based Code amounts to spot or area rezoning which can directly create a financial hardship on the property owners & slow new development. Commercial rents for retail in the City have gone down over the last 20 years with the exception of student housing. Some of the proposed requirements under Form Based Code will result in increased construction costs which coupled with stagnant rents will further erode developers and landlords profit margins. As a community we must consider the viability of what the planning would like to see as opposed to where the market is at any given time and be flexible so the City can flourish. This can be done with regards to aesthetics, green space, pedestrians, cyclists, and economics.

I appreciate you taking the time and consideration in weighing my feedback when factoring it in to your decision making process.

Respectfully,  
Brian Kradjian

### **POINT OF ORDER**

Council President Pro Tem Webb apologized to all guests for the fact that the door to the City Council Chambers was inadvertently locked. She noted for the record that all motions which took place prior to the public hearing when the door was locked will be reintroduced in order to maintain compliance with the NYS Open Meetings Law.

### **APPROVAL OF MINUTES**

Motion to approve from the Business Meeting held on Wednesday April 23, 2014, and from the Municipal and Public Affairs Committee meeting held on Wednesday April 23, 2014.

Moved by Motsavage, seconded by Berg.

**Voice vote, none opposed.**



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

---

Motion to approve the minutes from the Planning and Community Development Committee meetings held on Wednesday April 23, 2014 and Monday April 28, 2014.

Moved by Berg, seconded by Motsavage.

**Voice vote, none opposed.**

Motion to approve the minutes from the Employees Committee meeting held on April 23, 2014.

Moved by Berg, seconded by Motsavage.

**Voice vote, none opposed.**

### **SET PUBLIC HEARING**

The City of Binghamton will hold a public hearing on “An Ordinance adopting a Comprehensive Plan for the City of Binghamton” on Wednesday June 18, 2014 at 6:30pm, during the regularly scheduled City Council Business Meeting held in the City Council Chambers.

### **PUBLIC COMMENT/COMMUNICATION**

Richard Jallon, John Solak, Paul Graham, John Darrow, Edward Hickey, Robert Gerard, Betty Ann Woods<sup>2</sup>, Charles Kochis<sup>3</sup>, Gregory Eilenberger<sup>4</sup>, Gregory Hamer<sup>5</sup>, Jo Malin<sup>6</sup>, John Barry<sup>7</sup>, Lynda Broadfoot<sup>8</sup>, Penny & John Harrington<sup>9</sup>, Rev. Timothy Bennett<sup>10</sup>, Zack Broadfoot<sup>11</sup>

<sup>2</sup>*Note: Betty Ann Woods submitted the following letter to the City Clerk’s Office on May 5, 2014. A copy of the original letter is attached to these minutes.*

Dear Ms. Holmes,

In regard to the proposed noise variance that the Belmar is seeking, I would like to add my 2 cents. Being a backyard neighbor, I live on Chestnut St., I find the noise volumes and frequency of these “concerts” very uncomfortable and nerve racking. I like to be outside in my yard for gardening, picnicking, relaxing, etc. and I do not enjoy this racket. I do enjoy peace and quiet.

I also work the 2<sup>nd</sup> shift and sometimes find it necessary to take a nap before I go to work. It is impossible to sleep with this music blaring.

Certainly 3 concerts a week x Spring, Summer, and Fall = excessiveness, and infringes on my right to quiet peace.

I wholly object to this variance. Please don’t let it happen. Thank you.

Sincerely Yours,  
West Side Resident  
Betty Ann Woods  
88 Chestnut Street

<sup>3</sup>*Note: Charles Kochis submitted the following letter to the City Clerk’s Office on May 5, 2014. A copy of the original letter is attached to these minutes.*

Dear Ms. Holmes,



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

---

I have owned and rented in the Chestnut area of the West Side, since the mid seventies. This longevity is testimony to my enjoyment of a peaceful, quiet residential setting. Up until last summer there has always been a cooperative understanding balance between the residents and busy community events, (bike races, Rec. Park concerts, fund raising walks, etc).

Unfortunately last summer, without a variance in place the Belmar Pub had outside rock bands 2-3 times a week. The noise and decibel levels were so intense we could not even go outside. My pets were even traumatized. I could hear the hideous noise inside the house unless I had the AC running, the TV turned up and all windows shut down.

Contrary to its appearance on Main Street the Belmar's backyard is surrounded by residential homes. (Asbury Ct., Arthur St., and Chestnut St.). There is also a nasty echo effect for some of our back yards on Chestnut.

As per the above I am vehemently opposed to the Belmar Pub getting a city variance for outdoor events.

- \*Other points to consider.
- \*Has impeded property sales.
- \*Residents fear retaliation from bar crowd.
- \*Residents right to quiet pleasure vs. non resident loud bar crowd/entertainments.

Sincerely,  
Charles E. Kochis  
88 Chestnut Street

<sup>4</sup>*Note: Gregory Eilenberger submitted the following letter to the City Clerk's Office on May 5, 2014. A copy of the original letter is attached to these minutes.*

Angela,  
My former home was at 17 Asbury Court. My property was adjacent to the Belmar property. I understand the owner of the Belmar is applying to have live music and outdoor activities. I moved from Asbury Ct. to get away from the loudspeakers blaring and all the swearing. Please don't grant anymore permits to the Belmar, and the Asbury Court neighborhood will be very appreciated.

Gregory Eilenberger

<sup>5</sup>*Note: Gregory Hamer submitted the following letter to the City Clerk's Office on May 1, 2014. A copy of the original letter is attached to these minutes.*

Dear Ms. Holmes,  
I've long been a Binghamton Booster. In fact, when I sold my Vestal house last fall I moved to Chestnut Street to be closer to the city vibe and all the amenities that the city offers. From the BPO to events at the Arena, and from B-Mets to the fun of First Fridays and all our great restaurants. I'm glad I made my move.

I'm also glad to live in a neighborhood that shares its hospitality with student renters as well as young professionals and the entrenched old guard. The mix is perfect – well almost. We do all seem to endure the weekly bar crawls and rowdy,



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

---

2am homeward marches by groups of young folks feeling no pain and travelling in packs. Many are returning from The Belmar.

As I remember my college days, I'll refrain from complaining about the status quo. I do however, object to expanding the existing rules to accommodate more noise and more days of events from the proposed variance for The Belmar. Let's remember that this is still a family neighborhood.

I hope that as the City Council considers its' vote on The Belmar proposal, it also considers that the West Side voters are made up of more than just students.

Sincerely,  
Gregory Hamer  
86 Chestnut Street

<sup>6</sup>*Note: Jo Malin submitted the following email to the City Clerk's Office on April 24, 2014. A copy of the original email is attached to these minutes.*

I find the noise from the Belmar Pub summer concerts very annoying and disruptive. I live at 67 Chestnut St.

<sup>7</sup>*Note: John Barry submitted the following letter to the City Clerk's Office on April 23, 2014. A copy of the original letter is attached to these minutes.*

### Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

In New York State, the tobacco industry spends approximately \$1.1 million per day to market its product. The U.S. Federal Court of Appeals concluded in 2006 that the tobacco industry created highly sophisticated marketing campaigns to get young people to initiate smoking. Greater concentration of tobacco retailers is associated with illegal cigarette purchases by young people and higher rates of youth smoking prevalence. In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers. Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live. Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.

The Southern Tier AIDS Program supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

<sup>8</sup>*Note: Lynda Broadfoot submitted the following letter to the City Clerk's Office on April 30, 2014. A copy of the original letter is attached to these minutes.*

Dear Honorable Representatives,

I have recently been made aware that the Belmar Pub has requested a noise variance and an increase in the number of concert events held during the summer.





## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

---

I have lived at 20 Asbury Court for a little over 2 years. I enjoy the quiet of our cul de sac, and my house is just far enough from Main Street that we are not bothered by normal traffic noise. During the last couple of summers, we have experienced the concert events at the Belmar. I have enclosed a picture from my back window that shows you how close I live to the Belmar. A fence separates the parking lot from my back yard. When the concerts are going on, they are at the rear of the Belmar property, and are already loud enough that I cannot hear my tv in my living room when I am sitting 8 feet away. During the summer, I like to keep the windows open, and this is impossible with the noise from the concerts.

I had not previously filed any complaints, but with an increase in the noise level, along with adding extra events, it would seriously impact my ability to enjoy my property. If the noise ordinance states that "It is the public policy of the City that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his or her property", then the noise level already violates that policy, for me.

I also deal with the noise from the patrons, who are also very loud, and causes my dogs to bark continuously. I like the fact that my dogs alert me to human voices near my house, as I often am home alone and like to be aware, as a safety issue for me. I have to take extra measures to keep them from barking during these concerts.

Please do not allow this situation to get worse for me. I would just like to enjoy the peace and quiet of my home.

Lynda Broadfoot

<sup>9</sup>*Note: Penny & John Harrington submitted the following email to the City Clerk's Office on April 30, 2014. A copy of the original email is attached to these minutes.*

Dear Angela Holmes,

I'm writing on behalf of myself and my husband, John Harrington, who also lives with me at 17 Asbury Ct, Binghamton.

We received a letter from Edward P Hickey regarding his intentions to continue live music in his backyard, which is adjacent to our property. We are opposed to this continued disturbance of the peace on our quiet little street. Not only are the bands way too loud but some of them are mercilessly vulgar and profane. I remember one band in particular that continually used the "F" word throughout their performance. All of the bands that played there were too loud even if they didn't use profanity. I wear hearing aids and if I want to keep my windows open during our short summer I have to take my hearing aids out and then I can't communicate with my husband or talk on the telephone and listen to TV, they are just way too loud. Even my husband, who is a musician himself, doesn't want to listen to bands with questionable tastes involuntarily. I understand Mr Hickey has several other bars, why doesn't he have his bands in a more suitable location other than residential. We just purchased this house two years ago and if we had known about this we would have looked elsewhere. As the letter indicates Mr Hickey wants to have music on Wednesdays, until 9pm and Saturdays up to 10pm. I get up for work at 4:30 am and go to bed at about 9pm on weekdays. Having to wait until they are finished will disrupt my sleep patterns as it has so far when the Belmar has music in the backyard. Previously the Belmar had music on Sundays, this was very disruptive to our lifestyle, we have to close our windows to watch our favorite TV shows, even on a pleasant summer evening, can't go out on the patio either. Now he wants to have music on Saturday nights. That takes a good part of my weekend away when I finally get to relax. Well, I want to relax on my own terms and not have to listen to whatever music the Belmar decides to offer up, vulgar or not. My husband and



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

---

myself have signed the petition protesting the variance. We hope you will deny the Belmar any variance that results in disturbance of the peace.

Sincerely,  
Penny Briggs (Harrington) and John Harrington

<sup>10</sup>*Note: Rev. Timothy Bennett submitted the following email to the City Clerk's Office on May 5, 2014. A copy of the original email is attached to these minutes.*

To the City Clerk,  
I wish to offer my support for the neighbors of the Belmar who have expressed their concerns regarding, and thus their opposition to, the proposed noise variance. Rev. Timothy Bennett, pastor at Main Street Baptist Church.

P.S. Our church would like to register our complaint about the route of the Bridge Walk, which took place Sunday, May 4th. It seems to have been planned without any regard for the 5 churches that are along the route on Main Street. A time change or a route change would be appreciated. Thank you for your consideration.

<sup>11</sup>*Note: Zack Broadfoot submitted the following letter to the City Clerk's Office on April 30, 2014. A copy of the original letter is attached to these minutes.*

I would like to request that you deny the Belmar Pub's request to allow a higher level of noise, plus additional events, for this summer.

I have to go to work many days, including weekends, at 8am, so I have to get to sleep at a reasonable hour to do this. I believe that by allowing them to get louder, and more frequent, it will interfere with my ability to get to sleep.

I don't think it increases anyone's enjoyment of the music to just make it louder that it already is.

Please do not allow this variance request.

Thank you.

Zack Broadfoot  
20 Asbury Court

### **FIRST READING LEGISLATION**

#### **Introductory Ordinance 14-21. Considered in Employees, Chair: Berg**

An Ordinance amending Section 124-38 of the Code of the City of Binghamton, regarding pay and benefits for active military personnel

Motion to approve legislation. Moved by Berg, seconded by Motsavage.

#### **Motion carried. Legislation adopted as Permanent Resolution 14-21. (Vote 5-0-2)**

Ayes: Motsavage, Mihalko, Webb, Papastrat, Berg

Nays: None

Absent: Rennia, Matzo



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

---

### **Introductory Ordinance 14-23. Considered in Employees, Chair: Berg**

An Ordinance amending the 2014 Code Enforcement budget to reclassify one Code Enforcement Officer position to a Code Inspector position

Motion to approve legislation. Moved by Berg, seconded by Motsavage.

### **Motion carried. Legislation adopted as Permanent Resolution 14-22. (Vote 5-0-2)**

Ayes: Motsavage, Mihalko, Webb, Papastrat, Berg

Nays: None

Absent: Rennia, Matzo

### **Introductory Resolution 14-23. Considered in Finance, Chair: Berg**

A Resolution authorizing the application for and acceptance of a 2014 Edward Byrne Memorial Justice Assistance Grant

Motion to approve legislation. Moved by Berg, seconded by Motsavage.

### **Motion carried. Legislation adopted as Permanent Resolution 14-24. (Vote 5-0-2)**

Ayes: Motsavage, Mihalko, Webb, Papastrat, Berg

Nays: None

Absent: Rennia, Matzo

### **Introductory Resolution 14-25. Considered in Municipal and Public Affairs, Chair: Motsavage**

A Resolution authorizing a noise variance for the Belmar Pub

*Note: Notice of this public hearing was published in the Press & Sun Bulletin on Thursday April 17, 2014. Public hearing held on Wednesday April 23, 2014.*

1. Motion to approve legislation.  
Moved by Motsavage, seconded by Berg.

2. Motion to hold legislation.  
Moved by Papastrat.

**Motion withdrawn.**

3. Motion to hold the legislation.  
Moved by Papastrat, seconded by Mihalko.

**Legislation held until the Business Meeting held on Wednesday May 21, 2014.**

### **Introductory Resolution 14-26. Considered in Municipal and Public Affairs, Chair: Motsavage**

A Resolution calling on the Governor, the New York State Assembly, and the New York State Senate to enact the "Abandoned Property Neighborhood Relief Act of 2014"

Motion to approve legislation. Moved by Motsavage, seconded by Papastrat.

### **Motion carried. Legislation adopted as Permanent Resolution 14-25. (Vote 5-0-2)**

Ayes: Motsavage, Mihalko, Webb, Papastrat, Berg

Nays: None

Absent: Rennia, Matzo

### **Introductory Resolution 14-27. Considered in Public Works/Parks and Recreation, Chair: Motsavage**

A Resolution authorizing the Mayor to enter into an agreement with Municipal Electric and Gas Alliance to supply electricity and gas to the City for a one (1) year term



## LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

---

1. Motion to approve legislation.  
Moved by Motsavage, seconded by Berg.
2. Motion to amend the legislation to note that the agreement would be effect from May 5, 2014 to June 30, 2015.  
Moved by Motsavage, seconded by Berg.  
**Voice vote, none opposed.**
3. Motion to approve legislation as amended.  
Moved by Motsavage, seconded by Berg.  
**Motion carried. Legislation adopted as Permanent Resolution 14-26. (Vote 5-0-2)**  
Ayes: Motsavage, Mihalko, Webb, Papastrat, Berg  
Nays: None  
Absent: Rennia, Matzo

### **Introductory Resolution 14-28. Considered in Public Works/Parks and Recreation, Chair: Motsavage**

A Resolution authorizing the City to accept paving product from Green Way Pavements

Motion to approve legislation. Moved by Motsavage, seconded by Mihalko.

#### **Motion carried. Legislation adopted as Permanent Resolution 14-27. (Vote 5-0-2)**

Ayes: Motsavage, Mihalko, Webb, Papastrat, Berg

Nays: None

Absent: Rennia, Matzo

### **Introductory Resolution 14-29. Considered in Finance, Chair: Berg**

A Resolution authorizing an agreement with Shumaker Engineers to provide construction inspection services for the Front Street Reconstruction at Clinton Street Project, PIN 9752.74

Motion to approve legislation. Moved by Berg, seconded by Mihalko.

#### **Motion carried. Legislation adopted as Permanent Resolution 14-28. (Vote 5-0-2)**

Ayes: Motsavage, Mihalko, Webb, Papastrat, Berg

Nays: None

Absent: Rennia, Matzo

### **COMMUNICATIONS FROM COUNCIL MEMBERS**

Webb, Papastrat, Matzo, Berg, Motsavage, Mihalko, Rennia

### **ADJOURNMENT**

Motion to adjourn at 8:48pm.

Moved by Berg, seconded by Motsavage.

**Voice vote, none opposed.**

Dear City Council:

My name is Brian Kradjian and I am a local businessman who is greatly invested in this city and community. It is fair to say by "invested" I mean time, energy, emotion, and economically. I have experience in real estate development and healthcare laundry sectors. I have spent the last 20+ years renovating older building, demolishing obsolete buildings, and developing new buildings and projects.

I participated in a few of the Blueprint Binghamton sessions.

I have reviewed the section of the newly proposed Master Plan specifically the Form Based Code for the Main & Court St. Corridor.

The premise of a Master Plan suggests certain needs which I don't necessarily or completely agree with. The market dictates demand, is dynamic in nature, and always changing. Master plans tend to be fixed and static. Such plans can easily become misaligned with changing demands of the market. This, in my opinion and experience, is the risk in adopting such plans.

It seems that one of the main premises of the proposed From Based Code is to create a walkable community. This seems to suggest that in its present state Main St. is not walkable which I think is quite untrue. (The report notes that there are several pedestrians and cyclists observed). In fact, due to slow moving traffic, abundance of traffic lights and good sidewalks, Main St. is presently quite walkable in its existing state. Compare this to the Vestal Parkway, Upper Front St., Wegmans / Oakdale Mall Area and one can easily observe non-walkable areas. However, this is not to say it can not be improved upon. The question is how to do this and balance the markets needs while maintaining a sense of community and aesthetic appeal. Parking lots located in the front of buildings could be improved upon by painting in crosswalks, yield-to-pedestrian and stop signs like you see in Town Square Mall as opposed to banishing them. Parking is the lifeblood of a commercial development.

Furthermore, there are only three vacant lots on Main St. in Binghamton. 220 Main St. (next to Autozone), the former McMahon Site, & 10 Main St. (corner of Main & Front). It seems like overkill to come up with such criteria for barely a handful of sites. Of course, in the future there could always be some infill redevelopment where a building is demolished and the site redeveloped.

Although I think there are some good intentions of the From Based Code in relation to the Main St. corridor, there are also many aspects which could have adverse impact on future development.

I view the following items as positive steps:

1. Transition Zone along Main & Front St. to alleviate parking requirements for development in order to allow existing buildings to get reused. Moreover, this should be applied anywhere there is a need.
2. Adding Green Space along Main St.:

Proposed Planting Area:

This is a good idea if the trees do not block visibility of building but enhances its aesthetic appeal. However, if this is to be done in its present form by the Urban Shade Tree Commission then it should be reworked to make it a more transparent process with communication between the Commission and Developers early on in the planning phases. Such requests by the

Commission should be reasonable and in proportionate to the project size and or what the project can bare. You can't ask a to make a Landlord incur \$5,000 of green space on a \$50,000 renovation. Whereas you probably could absorb a \$5,000 on a \$500,000 project or \$10,000+ on a \$1,000,000 project and so on. Furthermore, existing buildings and parking lots should not have to incur changes just for merely renting out there vacant space that they pay taxes on.

### 3. Bike Lanes:

This is a good idea if there is truly room for them. NYSDOT uses 42' width for safety on a two way street. I think motorists need a margin of error. I do not think there is enough room in actuality versus on what is engineered on paper. A good example is the traffic circle on Court St. It looked good on paper but can be difficult navigating in actuality.

### 4. Existing Development:

This needs to be clarified. It appears as if existing buildings shall not fall under this code. Will a change of use to an entire building or portion of one be considered an "existing development" or a "new project?" The Planning Board under the previous Administration considered changes to existing structures as a "new project." If one were to merely rent out a vacant storefront, office or renovate it, it required Site Plan Approval which took 90+ days. This was never required prior to the previous Administration & was never the case in the City's history. This led to a lot of frustration from new business owners and developers in what amounted what was often perceived as a non-business friendly environment. (This 90 day Site Plan Review should be waived for compliance uses on existing properties. This alone could expediate the review process and backlog. Half the property owners don't follow the rules and for those of us who do costs us time and money.)

If Form Based Code is applied de facto by way of an existing development being classified as a new development than this will present big problem for existing property owners and would be very unfair.

### 5. Building Height:

Limits seem fine as presented but there should be no minimum requirements for how many stories a developer or Landlord wants to build. In other words, if the deal with the Tenant calls for one story a developer should not have to make it two stories to satisfy the code.

I view the following items as negative steps which will result in future adverse effects:

#### 1. The idea to create more housing on Main St.

We have a shrinking to neutral population at best not a growing one. We also are in the midst of a housing bubble in terms of apartments and student housing. While it is true there is growth at BU over the next 5 years, not all of the projects will necessarily make it. Having personal experience living on Main St. for several years, it is not the most desirable place to live. There is excessive street noise, lighting, carbon monoxide, litter, etc. which detract from the experience. Although there is a good array of services along Main St., affordability is the main factor for one choosing to reside there. New construction there will neither be affordable to existing Main St. residents nor can a developer get enough rent to justify the expense of new construction.

Main St. is largely a commercial corridor with traffic counts up to 19,000 cars per day in some spots. It is difficult enough to maintain existing businesses there let alone attract new ones. If you add new residential development it may be at the cost of future commercial development in terms of setting up for potential conflicts. (short of mixed us with residential overhead which

you identify). No one is ever going to build a new house on Main St. So when someone wants to open a drug store, fast food, car wash, retail, or other the very nature of a commercial development (traffic, ingress, egress, noise, light emission, hours of operation, etc.) will often be in conflict with the residential occupants along Main St. It is difficult enough for both planning and developers to mitigate these factors for the adjacent residential neighborhoods behind Main St.. From a City planning perspective, do you work with what you have and improve upon it (commercial uses) or do you try and prop up a small segment of it (housing) at the expense of the businesses? Adding housing on Main St. will create more planning board challenges & conflicts for future commercial development on Main Street. Furthermore, if you are considering adding Section 8 or DSS housing on Main St. that does not help a majority of the existing property owners who pay taxes and businesses that need customers with discretionary income to spend.

Why not focus on redeveloping the blighted housing in the first ward and west side where the less desirable rental homes will probably be impacted by downtown's new residential developments? (By the way I think student growth downtown has be great for Binghamton.)

2. Building Placement
3. Build-to-Zone
4. Parking Location:
5. Transparency:
6. Blank Wall Area:

Item's 2-6 above will result in adverse impact on new development. The majority of Main St. lots are narrow and shallow. To do what they are proposing would shrink the building to where it may not be economically feasible for the project or require more land acquisition when developing thus making it less feasible. Furthermore, transparency requirements and Blank Wall Area requirements should not be applicable to all districts and should be less for commercial and light industrial uses / districts.

7. Bulk Plane: Again there is not enough space on most Main St. lots to achieve this.
8. Transition Buffer:

This is certainly a good idea when abutting adjacent R-1, R-2, & R-3 areas but a wall in conjunction with plantings seems like overkill. I would think one or the other would be sufficient.

9. Awning minimum height of 10' :

This should be relative to the height of the glass it is over. Conversely, the height should not be less then 8' to prevent liabilities.

10. Awning Signs:

No signage on awning faces. This is would hurt retail and services. Visibility is important for any business owner.

11. No illumination of awnings:

Again, how will a business awning sign during the evening hours be visible? What is wrong with light fixtures illuminating an awning? I think internally lighted vinyl awnings should not be allowed since they look cheap and plastic-like but Sunbrella Cloth is rich and warm in appearance.

12. Pole Signs: Should be allowed. "Visibility"

13. Primary Building Materials:

The proposed ones are too narrow in scope and limiting. Materials such as architectural metal panels, exterior laminates, concrete block / split faced block, cement board (hardy plank), trex slats, green plant / shrub based walls and a variety of high tech materials are emerging in our nation's cities and should be allowed here for a rich architectural diversity.

14. Required Vehicle Loading:

This is not realistic, especially for existing buildings which should be exempt from this.

15. Planting Buffer / Island / Median:

I'm not sure if this exceeds present state codes in terms of water capture. Also, planting density of 1 per 20 sq.ft. is too severe. It would be fair to say every 5 linear feet but sq.ft. really increases density, planting costs, and maintenance costs. The maintenance costs of green space is often overlooked by the city and property owners.

16. Charette Report:

I think it is unfortunate that Charettes were created on sites which were not in need as opposed to ones that were: Masonic Temple, McMahon Site, Main & Front St. intersections, etc. Instead, several of them on Main St. identified existing buildings and businesses.

17. Proposed Form Based Code along Main St. / Beethoven St. / Mendelsshon St., Laurel Ave., & Haendel St.:

This block should all be zoned commercial and in the same district given its present Occupants a majority which are commercial and or non-owner occupied.

Overall, I am somewhat disappointed in aspects of this report. From Based Code amounts to spot or area rezoning which can directly create a financial hardship on the property owners & slow new development. Commercial rents for retail in the City have gone down over the last 20 years with the exception of student housing. Some of the proposed requirements under Form Based Code will result in increased construction costs which coupled with stagnant rents will further erode developers and landlords profit margins. As a community we must consider the viability of what the planning would like to see as opposed to where the market is at any given time and be flexible so the City can flourish. This can be done with regards to aesthetics, green space, pedestrians, cyclists, and economics.

I appreciate you taking the time and consideration in weighing my feedback when factoring it in to your decision making process.

Respectfully,

**Brian Kradjian**



Ms. Angela Holmes  
City Clerk  
City of Binghamton  
Hawley Street  
Binghamton, N.Y. 13901

RECEIVED

MAY 5 2014

OFFICE OF THE CITY CLERK  
CITY OF BINGHAMTON

May 3 2014

Dear Ms. Holmes:

In regard to the proposed noise variance that the Belmar is seeking, I would like to add my 2 cents.

Being a backyard neighbor, I live on Chestnut St., I find the noise volumes and frequency of these "concerts" very uncomfortable and nerve racking. I like to be outside in my yard for gardening, picnicking, relaxing, etc. ...and I do not enjoy this racket. I do enjoy peace and quiet.

I also work the 2nd shift and sometimes find it necessary to take a nap before I go to work. It is impossible to sleep with this music blaring.

Certainly 3 concerts a week x Spring, Summer, and Fall = excessiveness, and infringes on my right to quiet peace.

I wholly object to this variance. Please don't let it happen.

Thank You.

1 nay

Sincerely Yours

West side resident=

Betty Ann Woods

88 Chestnut St

Copies: Council members; Bill Berg, Jhon matso, Joseph Mihalko, Jerry Motsavage, Chris Papastrat, Terri Rennia, Lee Webb, and Mayor: Rich David

RECEIVED

May 2, 2014

Ms. Angela Holmes  
City Clerk  
City of Binghamton  
38 Hawlry Street  
Binhghamton, N.Y. 13901

MAY 5 2014

OFFICE OF THE CITY CLERK  
CITY OF BINGHAMTON

Dear Ms. Holmes:

I have owned and rented in the Chestnut area of the West Side, since the mid seventies. This longevity is testimony to my enjoyment of a peaceful, quiet residential setting. Up until last summer there has always been a cooperative understanding balance between the residents and busy community events, (Bike Races, Rec. Park Concerts, fund raising walks, etc.)

Unfortunately last summer, without a variance in place the Belmar Pub had the outside rock bands 2-3 times a week. The noise and the decibel levels were so intense we could not even go outside. My pets were even traumatized. I could hear the hideous noise inside the house unless I had the AC running, the TV turned up and all windows shut down.

Contrary to its appearance on Main Street the Belmar's backyard is surrounded by residential homes. (Asbury Ct., Arthur St., and Chestnut St.). There is also a nasty echo effect for some of our back yards on Chestnut.

As per the above I am vehemently opposed to the Belmar Pub getting a city variance for outdoor events.

\*other points to consider  
\*has impeded property sales

\* residents fear retaliation from bar crowd

\*residents rights to quiet pleasure vs. non resident loud bar crowd/entertainments

Sincerely



Charles E Kochis

88 Chestnut

Copies: Council members. Bill Burg, John Matso, Joesph Mihalko, Jerry Motsavage, Chris Papastrat, Lea Webb, and Mayor: Rich Davis

Mr. Gregory Eilenberger  
FOUNDING SPONSOR

Angele

my former home  
was at 17 asbury Court  
my property was adjacent  
to the Belmar property.  
I understand the owner of  
the Belmar is applying  
to have live music and  
outdoor activities. I  
moved from Asbury CT  
to get away from the  
loudspeakers blaring  
and all the  
swearing. please



[www.armyhstory.org](http://www.armyhstory.org)

Don't grant anymore  
permits to The Belmar,  
and The Asbury Court  
neighborhood will be  
very very appreciative.

Jay C. Elenderges

May 1, 2014

RECEIVED

Ms. Angela Holmes  
City Clerk  
City of Binghamton  
38 Hawley Street  
Binghamton, NY 13901

MAY 1 2014  
OFFICE OF THE CITY CLERK  
CITY OF BINGHAMTON

Dear Ms. Holmes,

I've long been a Binghamton Booster. In fact, when I sold my Vestal house last fall I moved to Chestnut Street to be closer to the city vibe and all the amenities that the city offers. From the BPO to events at the Arena, and from the B-Mets to the fun of First Fridays and all our great restaurants. I'm glad I made my move.

I'm also glad to live in a neighborhood that shares its hospitality with student renters as well as young professionals and the entrenched old guard. The mix is perfect -- well almost. We do all seem to endure the weekly bar crawls and rowdy, 2am homeward marches by groups of young folks feeling no pain and travelling in packs. Many are returning from The Belmar.

As I remember my college days, I'll refrain from complaining about the status quo. I do however, object to expanding the existing rules to accommodate more noise and more days of events from the proposed variance for The Belmar. Let's remember that this is still a family neighborhood.

I hope that as the City Council considers its' vote on The Belmar proposal, it also considers that West Side voters are made up of more than just students.

Sincerely,



Gregory J. Hamer  
86 Chestnut Street  
Binghamton, NY 13905

Copies: *Council members:* Bill Berg, John Matso, Joseph Mihalko, Jerry Motsavage, Chris Papastrat, Teri RENNIA, Lea Webb, and *Mayor:* Rich David

## Holmes, Angela

---

**From:** Teri Renna [TRenna@enviren.com]  
**Sent:** Thursday, April 24, 2014 10:34 AM  
**To:** Holmes, Angela  
**Subject:** FW: Form submission from: Contact Form

Please include with record

---

**From:** Jo Malin [<mailto:jomalin1@yahoo.com>]  
**Sent:** Thursday, April 24, 2014 10:19 AM  
**To:** [district3@cityofbinghamton.com](mailto:district3@cityofbinghamton.com)  
**Subject:** Form submission from: Contact Form

Submitted on April 24, 2014 - 10:19am Details:

Your name Jo Malin

Your e-mail address [jomalin1@yahoo.com](mailto:jomalin1@yahoo.com)

To Teri Renna

Subject Belmar noise variance

Message

I find the noise from the Belmar Pub summer concerts very annoying and disruptive. I live at 67 Chestnut St.

The results of this submission may be viewed at: <http://www.binghamton-ny.gov/node/1427/submission/2821>

## Letter of Support for Reducing the Density and Proximity to Schools of Tobacco Retailers

- In New York State, the tobacco industry spends approximately \$1.1 million per day to market its product.<sup>1</sup>
- The U.S. Federal Court of Appeals concluded in 2006 that the tobacco industry created highly sophisticated marketing campaigns to get young people to initiate smoking.<sup>2</sup>
- Greater concentration of tobacco retailers is associated with illegal cigarette purchases by young people and higher rates of youth smoking prevalence.<sup>3,4</sup>
- In-store tobacco displays can influence kids' smoking, increasing the likelihood of teenagers being susceptible to initiating, experimenting, or becoming current smokers.<sup>5,6</sup>
- Experimental smoking among youth was related to the density of tobacco outlets both in high school neighborhoods and in neighborhoods where youth live.<sup>7</sup>
- Advertising is more prevalent in stores located near schools and where adolescents are more likely to shop.<sup>8</sup>

The Southern Tier AIDS Program supports protecting youth from tobacco marketing by reducing the density of tobacco retail outlets and/or their proximity to schools, playgrounds and parks.

Communities have been granted the authority through the Federal Family Smoking Prevention and Tobacco Control Act to set a maximum number of tobacco retailers within a geographic region and to prevent tobacco retailers from locating near schools, parks, playgrounds, etc.

John Barry  
Signature  
John Barry  
Print name  
Southern Tier AIDS Program  
Organization (if pertinent)  
122 Baldwin Street, Johnson City, NY 13790  
Address  
jbarry@stapinc.org  
Email  
(607) 798-1706  
Phone

August 3, 2012  
Date  
Executive Director  
Title

LYNDA BROADFOOT  
20 ASBURY COURT  
BINGHAMTON, NY 13905

To: Mayor Rich David  
City Clerk Angela Holmes ✓  
Council Member 1<sup>st</sup> District- Jerry Motsavage  
Council Member 2<sup>nd</sup> District- Joseph Mihalko  
Council Member 3<sup>rd</sup> District- Teri Rennia  
Council Member 4<sup>th</sup> District- Lea Webb  
Council Member 5<sup>th</sup> District- Chris Papastrat  
Council Member 6<sup>th</sup> District- John Matzo  
Council Member 7<sup>th</sup> District- Bill Berg

Date: 4/29/14

Dear Honorable Representatives,

I have recently been made aware that the Belmar Pub has requested a noise variance and an increase in the number of concert events held during the summer.

I have lived at 20 Asbury Court for a little over 2 years. I enjoy the quiet of our cul de sac, and my house is just far enough from Main Street that we are not bothered by normal traffic noise. During the last couple of summers, we have experienced the concert events at the Belmar. I have enclosed a picture from my back window that shows you how close I live to the Belmar. A fence separates the parking lot from my back yard. When the concerts are going on, they are at the rear of the Belmar property, and are already loud enough that I cannot hear my tv in my living room when I am sitting 8 feet away. During the summer, I like to keep the windows open, and this is impossible with the noise from the concerts.

I have not previously filed any complaints, but with an increase in the noise level, along with adding extra events, it would seriously impact my ability to enjoy my property. If the noise ordinance states that "It is the public policy of the City that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment of his or her property.", then the noise level already violates that policy, for me.

I also deal with the noise from the patrons, who are also very loud, and causes my dogs to bark continuously. I like the fact that my dogs alert me to human voices near my house, as I often am home alone and like to be aware, as a safety issue for me. I have to take extra measures to keep them from barking during these concerts.

Please do not allow this situation to get worse for me. I would just like to enjoy the peace and quiet of my home.

Thank You

Lynda Broadfoot



## Holmes, Angela

---

**From:** Penny Briggs [pennydi57@gmail.com]  
**Posted At:** Wednesday, April 30, 2014 11:23 AM  
**Conversation:** Noise variance for the Belmar  
**Posted To:** Clerk  
  
**Subject:** Noise variance for the Belmar

Dear Angela Holmes,

I'm writing on behalf of myself and my husband, John Harrington, who also lives with me at 17 Asbury Ct, Binghamton.

We received a letter from Edward P Hickey regarding his intentions to continue live music in his backyard, which is adjacent to our property.

We are opposed to this continued disturbance of the peace on our quiet little street. Not only are the bands way too loud but some of them are mercilessly vulgar and profane. I remember one band in particular that continually used the "F" word throughout their performance. All of the bands that played there were too loud even if they didn't use profanity. I wear hearing aids and if I want to keep my windows open during our short summer I have to take my hearing aids out and then I can't communicate with my husband or talk on the telephone and listen to TV, they are just way too loud.

Even my husband, who is a musician himself, doesn't want to listen to bands with questionable tastes involuntarily.

I understand Mr Hickey has several other bars, why doesn't he have his bands in a more suitable location other than residential.

We just purchased this house two years ago and if we had known about this we would have looked elsewhere.

As the letter indicates Mr Hickey wants to have music on Wednesdays, until 9pm and Saturdays up to 10pm. I get up for work at 4:30 am and go to bed at about 9pm on weekdays. Having to wait until they are finished will disrupt my sleep patterns as it has so far when the Belmar has music in the backyard. Previously the Belmar had music on Sundays, this was very disruptive to our lifestyle, we have to close our windows to watch our favorite TV shows, even on a pleasant summer evening, can't go out on the patio either. Now he wants to have music on Saturday nights. That takes a good part of my weekend away when I finally get to relax. Well, I want to relax on my own terms and not have to listen to whatever music the Belmar decides to offer up, vulgar or not.

My husband and myself have signed the petition protesting the variance. We hope you will deny the Belmar any variance that results in disturbance of the peace.

Sincerely,

Penny Briggs (Harrington) and John Harrington

## Holmes, Angela

---

**From:** Peggy [tbennett13@hotmail.com]  
**Posted At:** Monday, May 05, 2014 10:58 AM  
**Conversation:** noise variance  
**Posted To:** Inbox  
  
**Subject:** noise variance

To the City Clerk,

I wish to offer my support for the neighbors of the Belmar who have expressed their concerns regarding, and thus their opposition to, the proposed noise variance. Rev. Timothy Bennett, pastor at Main Street Baptist Church.

P,S. Our church would like to register our complaint about the route of the Bridge Walk, which took place Sunday, May 4th. It seems to have been planned without any regard for the 5 churches that are along the route on Main Street. A time change or a route change would be appreciated. Thank you for your consideration.

To: Mayor Rich David

✓City Clerk Angela Holmes

Council Member 1<sup>st</sup> District- Jerry Motsavage

Council Member 2<sup>nd</sup> District- Joseph Mihalko

Council Member 3<sup>rd</sup> District- Teri Renna

Council Member 4<sup>th</sup> District- Lea Webb

Council Member 5<sup>th</sup> District- Chris Papastrat

Council Member 6<sup>th</sup> District- John Matzo

Council Member 7<sup>th</sup> District- Bill Berg

Date: April 29, 2014

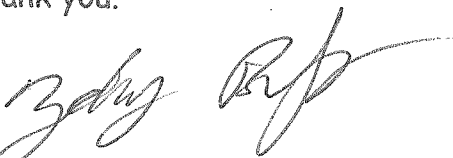
I would like to request that you deny the Belmar Pub's request to allow a higher level of noise, plus additional events, for this summer.

I have to go to work many days, including weekends, at 8am, so I have to get to sleep at a reasonable hour to do this. I believe that by allowing them to get louder, and more frequent, it will interfere with my ability to get to sleep.

I don't think it increases anyone's enjoyment of the music to just make it louder than it already is.

Please do not allow this variance request.

Thank you.



Zack Broadfoot

20 Asbury Court, Binghamton, NY 13905